

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-08-13

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

128

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 128

(IN CAMERA GETUIE NR. 23)

(Bladsye 6 419 - 6 444)

MNR. JACOBS : U Edele, ek wil op die tegniese opnames terugkom. Ek wil 'n getuie herroep wat in camera getuig het, getuie I.C. 12. Ek vra dat sy getuienis - ek wil aansoek doen, ek weet nie of dit nodig is nie, die Hof het reeds 'n bevel gemaak ... (Hof kom tussenbei)

HOF : Ja, as daar 'n staande bevel is dat daardie getuie in camera getuig, dan getuig hy in camera. Die bevel word dus herhaal.

IN CAMERA GETUIE NR. 12, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. JACOBS : U was deur my versoek (10) gewees om na die bande wat in hierdie saak betrokke is in hierdie omstandighede te luister en te kyk of jy van die mense wat jy ken se stemme kon identifiseer. Is dit reg?
-- Ja, dit is so.

Van verlede week af het jy geluister na die bande en het begin by BEWYSSTUK 6, dit is die UDF Burgersentrum Claremont vergadering? -- Ja, dit is so.

Soos u geluister het na hierdie bande, het u aantekeninge gemaak indien u iemand se stem herken het? -- Ja, ek het notas gemaak. (20)

Het jy self hierdie vergadering bygewoon daar op die Burgersentrum Claremont? -- Nee, ek was nie daar nie.

Toe jy na die opname geluister het, kon jy stemme herken? -- Ja, dit is so.

Jy kan na jou notas kyk wat jy gemaak het ... (Hof kom tussenbei)

HOF : Gaan u vir ons darem eers bietjie 'n basis lê van die stemme wat herken word?

MNR. JACOBS : Ek het gedink as hy sê dié wat hy ken. dan wou ek vir hom gevra het hoe hy hulle ken, het hy hulle (30) voorheen gehoor?

HOF : Ja, gaan voort.

MNR. JACOBS : Jy kan dit miskien op hierdie stadium doen voor jy daarna kyk. Toe jy geluister het, die persone wat jy geïdentifiseer het, het jy hulle stemme voorheen geken? -- Ja, ek ken die persone se stemme.

En die persone? -- En die persone ken ek ook.

Kan jy vir ons sê wie is dié wat jy herken het? -- Ek sal na my notas moet verwys om vir u te kan sê wie die persone is.

HOF : Ja, dit is in orde. Dit is nou Claremont wat ons (10) van praat. -- Ek het na verskillende kassette gekyk. Ek weet nie watter een die Staat na verwys nie.

Die Staat verwys na 'n kasset wat hy noem 'n UDF vergadering van Claremont. Hoe het u die goed uitmekaar geken? Het u die bewysstuknommer of het u die datum of het u die vergadering? -- Die kassette het nommers op hulle wat ek aanvaar is bewysstuknommers. Ek het hulle volgens daardie nommers gemerk.

Het u nr. 6 daar? -- Ja, V(6), T470/1/1.

MNR. JACOBS : Wie het u daar geïdentifiseer? -- Dr. Allen(20) Boesak se stem, Reverend Chikane.

Het albei van hulle toesprake gelewer? -- Ja, soos ek dit daar gevolg het, was hulle sprekers gewees.

Het jy by vorige geleenthede enige vergaderings bygewoon waar hierdie sprekers opgetree het? -- Ja, dit is so.

Ken u hulle stemme goed? -- Ja, ek ken hulle goed.

Die volgende een wat u na geluister het, die band, wat is die nommers wat daarop voorkom? -- T267/3/B2.

Was daar twee bande wat daardie vergadering gehad het? B1 en B2? -- Ja.

(30)

En dit verwys na die Luthuli Memorial Service? --

... / Volgens

Volgens wat hier op die bande gesê word, ja.

Kon jy persone hier identifiseer? -- Ja.

Wie? -- Persone wie se stemme ek identifiseer het.

Wie was dit? -- Side A van hierdie band het ek Reverend Nkundu se stem identifiseer.

Wie nog? -- Dit is net hy alleen wat ek op daardie kant gehoor het. Dit beteken dus hy is seker die enigste persoon wie se stem ek daar identifiseer het.

Daardie een kant? -- Ja.

Gaan na die volgende een?-- Hierdie een is B1 tape 1 (10) side A.

HOF : Die tape is B1, nê? -- Dit is B1, tape 1 side A.

Op hierdie kant het ek vir Archie Gumede se stem identifiseer.

MNR. JACOBS : Het u na die ander kant geluister? -- Ja, ek het. Side 2 van dieselfde band is dit Terror Lekota se stem.

Beskuldigde nr. 20. Hierdie persone wat jy nou genoem het, het jy voorheen met hulle gepraat? Hoe goed ken jy hulle? Kan jy vir die Hof sê? -- Ek het hulle al gehoor praat.

Ken jy enige van hulle persoonlik? -- Ja.

Wie? -- Ek ken vir Terror Lekota. (20)

Nog? -- En Reverend Nkundu, Archie Gumede.

Ken jy hulle stemme goed? Is jy tevrede dit is hulle stemme wat jy gehoor het? -- Ek is tevrede, dit is hulle stemme daardie.

En dit verwys na BEWYSSTUKKE 31(1) en 31(2). Die volgende een wat ek by sal kom is UDF Launch wat jy na geluister het. Daar het jy na sewe bande geluister. Is dit reg? -- Ja, dit is so.

Kan ky net vir ons sê, toe die UDF Launch op 20 Augustus 1983 plaasgevind het, het jy dit bygewoon?-- Ja, ek was daar(30)

... / gewees

gewees.

HOF : Was u net by die Launch of was u by die Conference vooraf? -- Die launch het ek in twee verdeel. Byvoorbeeld die eerste dag sal ek beskryf as n konferensie en die tweede dag was dit n "rally" gewees. Ek bring dus die twee bymekaar onder die Launch.

MNR. FICK : Het jy altwee daar bygewoon? -- Ja.

Op die eerste dag, waar het julle vergader? -- Dit was binne-in n saal.

En wie was almal toegelaat daar? Was daar pers (10) toegelaat? -- In die begin van die konferensie was ek toegelaat om daar binne-in te wees. Dit wil sê ons was toegelaat binne-in die saal. Toe ons verder gevorder het met die konferensie op n stadium was hulle versoek om die konferensie te verlaat dat net die amptenare en die "official UDF cameraman" het agterbly.

Op hierdie eerste dag se vergadering, het mense op die verhoog die leiding geneem terwyl ander in die saal plek ingeneem het? -- Daar was persone gewees wat leiding geneem het wat op die verhoog was. (20)

Kan jy enige van hulle onthou, wie hulle was? -- Ja, ek kan van hulle onthou wat op die verhoog was.

Wie is dit? -- Frank Chikane was een van hulle wat ek onthou, Popo Molefe en Terror Lekota was ook daar by. Behalwe dié wat ek alreeds genoem het, was daar n paar Indiërs en Kleurlinge ook daar gewees.

Popo Molefe en Terror Lekota is dit beskuldigdes hier by die hof? Ken jy hulle? -- Ja, hulle is hier.

Dit is beskuldigdes nrs. 19 en 20? -- Ja, ek ken hulle

GETUIE STAAN AF.

(30)

HOF VERDAAG.

HOF HERVAT.

... / IN

IN CAMERA GETUIE NR. 12, nog onder eed

HOF : Ek wil net seker maak dat ons die regte man by die regte nommer het. Was u in 1981 'n student by die Soweto College of Education? -- Ja, dit is so.

En later was u weer by, eers by COSAS, toe by AZASO en later by NUSA? -- Ja, dit is so.

ONDERVRAGING DEUR MNR. JACOBS (vervolg) : Jy het vir ons getuig jy was by hierdie vergadering, ek gaan dit noem die Launch geheel, soos jy dit hier geskryf het, jy beskou dit as 'n geheel.-- Ja. (10)

Jy het ook weer deur die bande geluister, al sewe van hulle. Hierdie bande is by die hof ingehandig as BEWYSSTUKKE 1(i) tot (vii). Kon jy van die mense identifiseer en indien wel, wie? -- Ek het sekere mense se stemme geïdentifiseer op die bande. Ek sal hulle dan noem volgens die bande soos ek na die bande geluister het. Popo Molefe, Sepiwe Tusi, dr. Allen Boesak, Samson Ndou, Archie Gumede, Frank Chikane, Mrs. Ellen Lambert, Terror Lekota, Curtis Nkondo. Dit is nou die persone se stemme wat ek daar herken het.

Kan jy onthou, het daardie persone opgetree by daar- (20) die geleentheid hierdie twee dae? -- Ja, hulle was sprekers gewees.

Kan jy vir die Hof sê, die persone wat jy nou geïdentifiseer het, ken jy van hulle enigsins goed, dat jy hulle stemme al voorheen gehoor het? -- Ja, ek ken hulle goed.

Ek wil hê ons moet dan na die volgende een gaan. Daar is ook 'n vergadering, jy het bande geluister wat by die hof hier ingehandig is as BEWYSSTUKKE 7(i) en 7(ii). Dit handel met die Krisch Rabilal Commemoration. -- Ja.

Toe jy na die bande geluister het, kon jy enige van (30) daardie mense se stemme herken? -- Ja.

Wie was dit? -- Archie Gumede en Reverend Nkondo.

Was jy miskien by hierdie vergadering of nie? -- Nee, ek was nie daar nie.

Dit is soos jy reeds al gesê het beide mense wie se stemme jy goed ken? -- Ja.

Dan die volgende een is dan wat by die hof ingehandig is as BEWYSSTUKKE 12(i) en 12(ii). Dit is die Huhudi vergadering. Het jy na die twee bande geluister, die twee bande? -- Ja, ek het.

Kon jy daarso persone se stemme identifiseer? -- Ja, (10) ek kon.

Wie se stemme kon jy identifiseer? -- Aubrey Mokoena, Oupa Monareng en Terror Lekota.

Dit is beskuldigde nr. 20. Vir Aubrey Mokoena en Oupa Monareng, ken jy hulle? -- Ja, ek ken hulle.

Persoonlik? -- Ja, persoonlik.

Ken jy hulle stemme goed? -- Ja.

Het jy hulle voorheen op ander vergaderings ook gehoor? -- Ja, verskeie kere.

Die ander vergadering wat oorbly is die TIC vergade-(20) ring. Dit is die Transvaal Indian Congress se vergadering. U Edele, in daardie geval, My Geleerde Vriend het gesê in al die vergaderings maak hulle 'n erkenning, ek kon dit nog nie op skrif stel nie, waar Terror Lekota, beskuldigde nr. 20 en Popo Molefe, beskuldigde nr. 19, erken hulle dat hulle daar was by die vergaderings en daar deelgeneem het aan die vergaderings.

HOF : Soos op die transkripsie aangetoon of nie soos op die transkripsie aangetoon nie?

MR BIZOS : What we have told the State is that they do (30) not have to prove the identity of their voices.

I hope, I do not want to mislead anybody My Lord, it does not mean that they admit the correctness or completeness of the transcript at this stage.

COURT: No, no, but that where it is alleged on the transcript that they spoke that they in fact spoke, not necessarily that the transcript is correct.

MR BIZOS: Correct, they will admit that they spoke at that meeting. Or they admit that they spoke at that meeting.

MNR JACOBS: Edele dan het ek geen verdere vrae nie, ek sal nie verder gaan nie. (10)

CROSS-EXAMINATION BY MR BIZOS: Tell me you went to the UDF launch? -- That is true.

And that was an important event in your political life?

-- I take it like that, yes.

And did you go down as a delegate or as a spectator?

-- As a delegate.

As a delegate. And you quite correctly, with respect, described it to His Lordship as the launch but that the launch was in two parts, the conference and the rally? You recall that? -- Yes. (20)

Yes, and if I remember your evidence correctly you told us that the, on the first day there was the conference, that is what you said? -- That is what I remember, yes.

Yes, and you then went on to say that the Rally took place on the second day? -- Yes if my memory serves me well it was on the second day.

On the second day, and are you telling His Lordship that you were present at both? -- Do you mean representing both at the Rally and the launch.

No I thought that we defined our terms correctly, the (30) launch is both. The conference and the rally, were you both there/...

there on the first day and on the second day, both at the conference and at the rally? -- Yes. I was present at both.

At both. And do you remember that this important event, that you were there on the first day at the conference and on the second day at the rally? -- Yes I do remember that.

Yes, and could you please tell us what time more or less the conference started on the first day? -- I will not be precise as to what time it started but it was during the morning.

It was during the morning, yes, and can you tell us (10) what time it finished on the first day, the conference, more or less? -- I will not be precise on that either, because it finished late.

The conference? -- Yes.

When you say the conference finished late was that still during the day or early evening that the conference finished? -- I cannot quite remember whether it was after sunset or before sunset. All I can say it was late.

Yes, and can you tell us the next day what time the rally started? -- It also started early, I do not know what time. (20)

Yes, and the, what time did the rally finish? -- It was also late when the rally finished.

I see. So the rally went on the whole day? -- That is how it appears.

And you were present there throughout the conference and throughout the rally? -- Except for the periods that I left to go and find food I was there.

Well I suppose there were adjournments for refreshments. Except for the adjournments of the conference and the adjournments of the rally you were there for the rest of it? -- Yes. (30)

Now you see you told us that you heard a number of people speak/...

speak there and you told us, I will just take them in the order in which you gave them, you heard Mr Frank Chikane speak. Now could you please tell us whether you heard the Reverend Frank Chikane speak on the first day at the conference or was it the second day at the rally? -- What I know is he was the first speaker at the conference.

At the conference. And do you recall whether Mr Popo Molefe, accused no. 19 before the Court, spoke at the conference or at the rally? -- Now before I answer that question I think I must have clarity here. Him speaking there do (10) you mean him sort of elaborating or explaining certain things or addressing the rally or the conference, whatever the case may be when you say I heard him speaking.

Yes addressing, addressing the conference or the rally, which did you hear? -- Making a speech I take it or ..

Addressing or making a speech, yes. -- Yes he did speak.

At the conference or at the rally? -- I remember him speaking at the conference.

At the conference. And Mr Terror Lekota, do you remember him speaking at the conference or at the rally? -- I remember (20) him speaking at the conference also.

And do you recall whether, I just want to make quite sure that they are the same, yes did you hear Mr Sipiwe Tusi speak at the conference or at the rally? -- I do not remember him speaking.

You do not remember him speaking. And Dr Alan Boesak, do you remember him speaking at the conference or at the rally? -- At the rally.

At the rally, the second day? -- Yes.

And was it Samson Ngumede, was it?

(30)

COURT: Ndou.

MR BIZOS:/...

MR BIZOS: Ndou, I am sorry I am confused, it was Archie Gumede, yes I beg your pardon. Yes I should know that. And at the conference or at the rally? -- Who is that now, Archie or Samson?

I beg your pardon, Samson Ndou. -- I remember him speaking at the rally.

At the rally, and Mr Archie Gumede? -- If I remember well he spoke at the conference and at the rally.

Yes, and Mr Curtis Nkonto, sorry let us take them, was there an Alan other than Alan Boesak? -- Just spell that (10) name please?

Yes it was, I was just checking my note, I do not want to be unfair to you there was a Mrs Alan Lambert.

COURT: Lambert.

MR BIZOS: Is that the name I missed My Lord, I am sorry. At the conference or at the, the next day at the rally? -- I remember that person speaking at the conference.

And Mr Terror Lekota?

COURT: We have had him already.

MR BIZOS: He mentioned him twice, that is why ... (20)

COURT: Oh I see, yes. -- I said he spoke at the conference.

MR BIZOS: Yes, and Mr Curtis Nkondo? -- Also at the conference.

Also at the conference. So that it would appear from this list that we have given you that you have a distinct recollection as to who spoke on the first day and who spoke on the second day? -- That is if my memory serves me well it appears like that, yes.

Yes. You see I have had to put you through this exercise in order to show that you are a very accommodating witness but do not necessarily tell the truth. Because it will be (30) shown, I suggest to you, to His Lordship's satisfaction that

both/...

both the conference and the rally took place on the same day.

-- As far as I can remember it was on two different days.

Yes. Yes. So it would appear if what I tell you that this assurance that the one person spoke on the one day and the other one spoke on the other day, if we prove to the Court's satisfaction that it was on the same day then this was something that you just guessed at? -- What I have told the Court about is what I remember and if I am being reminded of certain things that I have forgotten about I will be quite happy to be reminded about that. (10)

Do you not remember that the conference finished and then the rally started?

COURT: You mean on the same day?

MR BIZOS: On the same day. -- No I cannot remember that happening that way.

But as a delegate you must have realised the difference because the conference was in some respects in camera. -- I do remember that the conference was held in camera but that these were held on two different days or the same day does not in fact ring a bell to me to accept in other words. (20)

Well can you not recall whether or not the non-delegate enthusiastic supporters of the UDF that was going to be formed were outside in large numbers and wanted to come in? Have you forgotten all that, if you were there? -- I remember that there was a big number of people outside.

Yes, waiting for the conference to finish and for the people generally, the doors to be opened to come in and participate? -- It may be like that.

But you did not remember it and do not remember it now? -- I do remember that there was a big number of people. (30)

Yes. But you remember that, you were reminded that as

soon/.....

soon as the conference finished the delegates had to do a job of work, they had to take all the chairs out in order that all the people could be accommodated standing? -- I do remember the rearranging of the chairs. Whether this was done on the first day or the second day, that is what I cannot remember.

Yes. Are you in a position to remember whether or not there was about three hours of rally on the same day as the conference? -- I cannot recall the rally being held the same day with the conference. All I can say is that the rally was longer in time than the conference. (10)

Well do you remember whether you stayed at this launch, that is the conference and the rally together, for one day or two days? -- As far as my memory is concerned and my remembering of the incident it was two days.

Yes. Do you not remember anyone at the conference making an appeal that the speakers should really cut it short because the impatient supporters really wanted to participate? -- I cannot remember that being said there during the conference. I do remember hearing someone saying that the speakers must try and be short while listening to the tapes which I am (20) talking about.

Yes. Now do you not remember that the buses came on the Friday evening and that they took everybody away late on Saturday evening? -- As I have already said up to now in my memory, as far as I can remember, this took two days.

Do you mind if I have a look at your notes please?

COURT: The notes which he used in court to give evidence.
-- I do not mind.

MR BIZOS: Well could I have them please. Thank you. My Lord may I have a short adjournment to study these notes? (30)

COURT ADJOURNS. COURT RESUMES.

IN CAMERA WITNESS NO. 12: d.s.s. (Through interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: I would like to give you your notes back. Now are those your notes made by you yourself? -- Yes.

Keep them in front of you, do not put them in your pocket yet, please keep them in front of you, do not put them in your pocket yet. And please I want you to go through them carefully and tell us whether there is any other person's handwriting on it or not? -- I satisfied myself this is my handwriting only which appears on this. (10)

Good. Now I want to ask you about your, what you were asked to do when these cassettes were handed to you. Were you asked, were you asked to listen to the cassettes and to try and see which voices you recognised on the cassettes? -- That is true.

Did no one assist you in any way whatsoever, did not anyone assist you in any way whatsoever with the identification of those voices on the cassettes? -- No no one.

So I presume that there was you, there was the cassette and the cassette player and nothing else in front of you (20) that would be of any assistance whatsoever to you to identify the voice? -- That is true.

There was no document in front of you which might have been of any assistance to you as to who the speakers might have been at this meeting, you relied entirely on the voice on the cassette? -- That is true.

And was it said to you that it was of importance that you should have no outside assistance whatsoever, you must just listen to the voice and identify the voice from your own personal experience? -- That is what was told to me. (30)

Yes. And you carried out that mandate faithfully? --

That/...

That is what I did.

And you did not discuss with anyone, nor did you look at any document whatsoever which would be of any assistance to you in identifying the voices? -- No I did not discuss it with anybody.

Or look at any document which could be of any assistance to you in identification of the voices? -- No there was none.

And whilst you were listening to these cassettes and you had nothing else in front of you you made the notes which are now before you in your own handwriting? -- That is what I (10) did.

Yes, and there is nothing in those notes which you went and wrote in afterwards, after you had listened to the cassettes and identified the voices, you did not put anything in the notes afterwards? -- What I did was while listening to the tape I was making notes of what I identified from the tape I am listening to.

And tell me, I want to show you these yellow documents here, these yellow documents. You did not have anything like that in front of you did you, whilst you were listening (20) to the tapes?

COURT: For record purposes what document are you showing him?

MR BIZOS: I am showing EXHIBIT V(1). You did not have anything like that in front of you? -- No I did not.

You never saw any such documents in yellow covers which were transcripts of what was supposed to have been said by various speakers at the meetings? -- I am seeing this kind of books for the first time in court here. There are such books in the office where I was but I do not know what were the contents now up to now, I do not know what the contents (30) are in those books.

I am sorry, where did you see them you say? -- In the advocates office where I was consulting with him.

I see. You see I am going to ask you to have a look at the notes please. Do you see that there are page numbers there? -- Yes, I do.

Where did those page numbers come from?

COURT: Just a minute, can I just get clarity. ARE the pages of the notes numbered or are there page numbers in the notes?

MR BIZOS: Page numbers in the notes, from ...

COURT: In the notes itself? (10)

MR BIZOS: From page number, well I will give Your Lordship an example. Band 1 kant 2, bl. 12-23.

COURT: Yes?

MR BIZOS: Where did those page numbers come from? -- Well in your reference to page numbers I understand you to be talking about page numbers to the documents I have with me on which I have my notes, namely 1, 2, 3, 4, 5, which numbers were written by myself numbering the pages. I do not know which one you are talking about.

No, no have a look at page 3 please. -- Yes I do have (20) page 3 in front of me.

Right, where you say, where you have written down "Band 1, kant 2" and then "bl. 12 to 23". Archie, you see, you see what it says, and then underneath that "Archie Gumedede". Where did those page numbers come from? -- You mean the page numbers with reference to band 1 kant 2?

Bl. 12 to 23, where did that come from? -- They are written on the cassettes themselves.

And do they have the names of the people on there? -- No they do not have the names of the people. (30)

Now have you got the cassettes that you say you looked at?/....

at? Or I will ask My Learned Friend to make them available, I presume they were the copies.

COURT: Well I take, they may well be with your expert.

MR BIZOS: No the originals My Lord. I am sure that My Learned Friend did not give the originals to the witness.

MNR JACOBS: Edele die was die kopie gewees want die oorspronklikes was by die Hof gewees en toe ook oorhandig aan die ander persoon

HOF: U word versoek om die besondere bande te bring.

MR BIZOS: For this and other reasons I am going to ask (10) Your Lordship to receive these notes as an exhibit.

COURT: Well if it is really necessary Mr Bizos yes I will do so. Are we not just encumbering the record. Can you not read into the record what is the part of the notes, the couple of lines that you need?

MR BIZOS: My Lord there are other, there is other narrative written by the witness in his evidence in these notes to which I will want to make reference during the course of my examination.

COURT: Very well, what exhibit number will you want to (20) give these notes?

MR BIZOS: Well My Lord although it emanates from the State perhaps the AAQ series may be more ...

COURT: AAQ(48) was our last one I think.

MR BIZOS: Yes, may I mark the copies as AAQ(49) for Your Lordship and, would you please hand up the original to His Lordship and would you take the copy for the time being.

COURT: Have you got copies for My Learned Assessors?

MR BIZOS: Yes My Lord, and a copy for Your Lordship. Does Your Lordship want to work on the original or does Your (30) Lordship want an extra copy?

COURT: /.....

COURT: I think I should in the meantime work on a copy if you have one.

MR BIZOS: As Your Lordship pleases. Now could you please tell us when you started listening to these tapes, on what date?

-- It was on Wednesday last week.

A week ago today? -- Yes I believe it is now a week.

And did you make the first entry on your notes "Copy V(6) side B" last Wednesday when you first saw it? -- No on Wednesday I did not immediately start making notes. It is only after having listened to this, on realising that they (10) were going to be many that I said well these are too many, I am going to forget what I heard in these tapes and therefore the idea of writing notes started.

Were the cassettes given to you with the plastic covers?

-- Yes in the containers.

In the containers. Can you remember whether you saw the name of any person on any of the containers? -- No I cannot remember seeing a name.

Did you look for any names on the containers? -- No I did not look for names. I only looked at it in order to (20) identify the cassette I am busy with.

Now you then made a legend, or you wrote out a brief summary of what the speaker had said? -- That is true.

Why did you make a summary of what the speaker had said? -- That was to help myself in remembering for in case I am being asked about that.

But were you asked to exercise your mind in memorising anything that was being said, the subject matter of the talk? -- I am not able to tell the Court as to how and what the reason was that that came into my mind but all I did was (30) when I was told to listen to some voices which I can identify then/....

then later it occurred that I wrote it like that.

Do you recall whether, whilst you were listening whether you listened to the tapes from beginning to end? -- That is true, although of course I skipped some songs because I knew the songs and then I had no reason to listen.

You must then have listened to people being introduced? -- Yes it did happen that some people were being introduced.

Yes, including all the people whose voices you have purported to identify? -- Yes there are those who were being introduced. (10)

Yes. And you must have paid particular attention to the introduction made and the name being mentioned because that would have helped you in the task that you had been given to perform? -- That is true but it is surprising that I did not pay a particular attention to the introduction of the people who were being introduced there, instead I listened to the voices to identify them.

Yes. If you ever had any doubt of course the introduction would have helped a bit? -- Yes that is correct, it could have helped me. (20)

Yes. Were you completely alone where you were listening to this? -- Yes I was seated all by myself.

And did you have to listen to a particular voice at times more than once in order to try to make up your mind? -- No it never happened.

And did you discuss with anyone the, whilst you were doing this, whether you were to listen to the whole tape or only small portions of it in order to decide? -- The instruction was that I was to listen to the tape and identify people on their voices should there be anyone whom I identify on the (30) voice, it was not said that I must listen to this portion

and/...

and to that portion or, I was not given specific portions to listen to.

Yes. You see I just want to show you as an examples EXHIBIT V(6).

COURT: No you are not showing to the witness EXHIBIT V(6), EXHIBIT V(6) is a document.

MR BIZOS: I beg your pardon, it is marked V(6).

COURT: It may be marked as such but that is not my EXHIBIT V(6) that you are showing to the witness. You are showing the witness a tape which has V(6) on it but it is not my (10) EXHIBIT V(6).

MR BIZOS: Could I then say, read out the legend so that there is no doubt, "UDF Vergardering Claremont Burger Sentrum 1984, November 26, 20h00, Speakers Dr Alan Boesak, 2 Reverend Frank Chikane 1." Now did you listen to that tape a number of times? Did you listen to that a number of times? -- I listened to this tape once only.

Right. Did you look on the side that you are now looking at with Dr Boesak's and the Reverend Frank Chikane's name on it? -- Yes I saw this side. (20)

Well then the exercise that you were being asked to perform ...

COURT: What you have shown to the witness now is the container?

MR BIZOS: Is the container.

COURT: So it is written on the container itself.

MR BIZOS: It is written on the container.

COURT: Yes thank you.

MR BIZOS: So that the exercise that you were asked to do had really been, a solution had been found on the object, written on the object that we are told was given to you? -- It is (30) true it is written on this cover but now one would not be sure/...

sure whether they are the speakers on the tape there, until I listened. After listening to that then I also found that the people whose names are appearing here as speakers are in fact the speakers in that tape.

Do you remember the questions that I asked you a little while ago, as to whether there was anything before you to assist you in the task which you had been asked to perform? -- Yes I do remember.

And do you remember what your answer was, that it was no there was nothing? -- That is true, that is what I said. (10)

But now one would have thought that a schoolteacher, an intelligent witness like yourself, must have been struck with the absurdity of what you were being asked to do once it was shown to you, once it was handed over to you? -- What you just put to me now is but correct the way you put it but I would not have known after receiving this cassette cover that the speakers in that cassette are really the people whose names are appearing here unless I listened to it. Therefore I would not have just jumped to a conclusion to say now the duty that I have to do has been reduced in the sense that I am given the names (20) of the people.

No .. -- Unless I listen to it.

Did it strike you strange when the mandate was given to you that you were asked to identify voices when on the thing that you were given, on the thing that you were given the names were written, did it strike you as strange? -- Yes it was really a miracle to me to be given this thing to identify the people whose names are already appearing on the cover. But then it occurred to me that perhaps this is just a trap, they want to know or they want me to identify people here while (30) it being a trap if I will be able to do so.

Surely/...

Surely you did not suspect that counsel for the State wanted to trap you? -- Well that is but surprising but that is what occurred in my mind when I saw this.

Yes, so that it must have made a tremendous impression on you because it was at the very beginning? -- Yes as I have already explained that is exactly what I was explaining.

Right. Now one would have thought that if it made such a tremendous impression on you you would have taken the opportunity when I asked you whether there was any document or anything on which the names of the speakers were written, (10) to have immediately have this come in the forefront of your mind?

MNR JACOBS: Edele ek kan nie, ek wil nie onnodig inmeng nie maar ek kan net herinner dat mnr Bizos coit gevra het of daar enige dokument is waarop mense name geskryf was.

MR BIZOS: Oh yes.

MNR JACOBS: So ver ek dit onthou was dit dat hy gevra is of daar is iets wat hom assist.

HOF: Dit gaan oor h dokument. Hierdie ding is nie h dokument nie, dit is h houer. (20)

MNR JACOBS: Ja ek stem saam maar ek bedoel ook die woord wat hy gevra het, h persoon se naam written was.

MR BIZOS: Your Lordship ...

COURT: You remember you asked the witness whether there was anything else in front of him, apart from the tape recorder and the tapes and he said no. Then you said were there any documents in front of you, then he said no. Then you took up V(26) I think it was, or V(1) and showed him that document and he said that that he had seen but it was not in front of him. (30)

MR BIZOS: Yes, My Lord with respect Your Lordship is correct.

But/...

But I went further and asked whether there was anything whatsoever to assist him and whether the importance that there should not be anything to assist him was emphasised to him and he said yes. But the record will speak for itself in that regard. Why did you not take the opportunity, when I was asking you those questions about whether you had any assistance, to tell His Lordship well the names of the Reverend Frank Chikane and the name of Dr Alan Boesak was on the container of the cassette but I did not pay any attention to it because I thought it was a trap? Why did you not take that (10) opportunity? -- Well it is because the question was to me whether there was anything which could have been of any assistance to me to be able to perform the duty I was supposed to have performed then. I do not consider this in front of me here, the cover, the cassette cover, to be a thing that could have assisted me on those duties.

Did it occur to you as strange that you should be asked to identify voices when the names of two people are written on it by the person who gave it to you? -- I have already said that I was surprised. (20)

Is that the only cassette that you saw names of persons on? -- I may be suffering from some sickness of forgetting or being forgetful, I do not know, because earlier I said I did not see anything with anybody's name on it and later it was produced to me in this cassette cover that there were some names on it and I am therefore not in a position to say whether there are still any others or not.

Well would you please have a look at one of the cassettes that has been given to us. I will give the markings on it My Lord. "UDF Rally 5. Boesak" and on the obverse side "NAT" (30) which I suppose is national launch "Band 3 B.47-59(a) bl.60-

61." Was this before you in the form that it is now? -- Yes I remember seeing this one.

Yes. Also with Boesak's name on it, or the name Boesak on it? -- Yes I do.

Yes. And also these cassettes describe where the meetings took place?-- That is true.

And what the overall purpose of the meeting was? -- It looks like that.

COURT: Are there any other names on those ...

MR BIZOS: Not that I was able to see. (10)

COURT: So we have Boesak and Chikane.

MR BIZOS: And Chikane, as far as I have been able to ascertain during a cursory look. Now the little summaries of the speeches that were made, was that your own initiative or did someone ask you to better familiarise yourself with the contents of the speech? -- It came from me.

And you say that you wanted that in order to be able to answer questions, questions about what? -- No what I said was at the time of my making the notes I did that because I was trying to have them in order to remember in case I was to (20) remember something.

Now would you please tell us on how many occasions you have heard, or you had heard Dr Alan Boesak before you were asked to come to Delmas to listen to these tapes? -- I would not say exactly how many times I heard him speaking but it is more than three times.

Where? -- I heard him at the rally when he was a speaker there.

Yes? -- On several occasions over the T.V.

Television. Yes. And the Reverend Chikane on how (30) many occasions prior to this? -- I heard him speaking on many occasions/...

occasions as well. I am not able to say as to how many times.

Had you ever heard him on tape before? -- No.

And when you say that you know some of these people personally do you mean that you actually know them personally, that you have spoken to them person to person or just from their political activities and profiles? -- I do not mean that I know them from the point of view of a person to person but I only know them through their portfolios and when they appear on T.V., television, I am sorry not television but newspapers.

Yes. The Reverend Nkundu, when did you hear him speak(10) other than on this tape? -- In the Cape.

Where? -- At the UDF conference.

Yes, you have only heard his voice once before? -- That is true.

Only once before. Yes? I will not put any questions to you about Mr Lekota and Mr Molefe. And Sipiwe Tusi, where did you hear his voice for the first time? -- Many times at the meetings which I attended with him.

Where, is this in Soweto? -- That is true.

Now Samson Ndou, how many times did you hear his voice(20) before you heard it on this tape? -- I heard him on many occasions as well.

Where? -- In Johannesburg.

Where in Johannesburg? -- I heard him speaking at Khotso House and in Soweto.

Yes. Under whose auspices did you hear him speak for the last time before you heard this tape, when and where, the last time? -- The last time I heard him speaking it is during the time when we were in the Cape.

What was this, the rally? -- At the conference. (30)

At the conference, also in 1983? -- Yes.

And/....

And when did you last hear Mr Mzwayki Mbuki is it, prior to hearing his voice on this tape? -- The last time I heard him speaking where he was addressing people it was in the Cape but up to that I met him again several times.

Actually speaking at a platform or reciting poetry as you put it here, this was also in 1983? -- That is true.

Yes. And Mr Archie Gumede, when did you hear him last before you heard this tape? -- At the launching of the Soweto Youth Congress. I cannot quite remember exactly which one was first between the UDF launching and Soweto Youth Congress (10) in Soweto.

In 1983? -- Yes. The last one of the two is the last time I heard him speaking.

Yes, and Mrs Ellen Lambert? -- It was in 1983 at the UDF launch.

That is the only time you heard her? -- That is true.

And Christian Nkondo? Curtis, I beg your pardon, yes Curtis Nkondo? -- I put him in the same position with Archie Gumede. I do not know which one was first and which one was the last. (20)

And only once as well? -- No on many occasions.

Now the people that you have heard speaking on one occasion at various meetings you heard them speaking naturally? Not on a tape? -- That is true.

And when you were asked to identify their voices on the tape you heard their names being mentioned by the introducer before you actually heard their voice? -- Some yes.

Yes. Thank you My Lord, we have no further questions.

HERONDERVRAGING DEUR MNR. JACOBS : Ek het nie eintlik verdere vrae nie. Ek dink ons moet net opklaar dat die bladsy (30) wat mnr. Bizos na verwys het - ek sê nie dit is blad nie,

... / maar

maar die letters "bl" dan h getal en dan weer "bl" en h getal kom op die bande voor. Dit is net billik teenoor die getuie dat dit vir hom gestel word.

MR BIZOS : This is correct.

ASSESSOR (MR KRÜGEL) : You were a delegate at the launching of the UDF? -- That is true.

What organisation did you represent? -- AZASO branch.

Did you know the speakers that you have told the Court about by voice and by sight? -- Yes, I do know them.

And when they were introduced as speakers, did you (10) find that they were correctly introduced or was there a mistake? -- Those that had been introduced, there was no mistake at all.

Nobody for instance objected when he was introduced say for instance as Mr Terror Lekota, that his name was not really Terror Lekota, but that he was really Archie Gumede? -- No, I do not recall hearing such an objection.

As far as you are concerned, the people were introduced correctly by their real names? -- That is true.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

DELMAS TREASON TRIAL 1985-1989

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